

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

YADAV, N

SERIAL NO.: 09/715,294

FILED: NOVEMBER 17, 2000

FOR: METHODS FOR CONDITIONAL TRANSGENE
EXPRESSION AND TRAIT REMOVAL IN
PLANTS

CASE NO.: CL1127 US CIP1

GROUP ART UNIT: 1638

EXAMINER: MEHTA, A

PATENT

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

By Office Action dated March 26, 2002, the above-referenced application has been made subject to a requirement to restrict. The Examiner has taken the position that the case should be restricted 9 ways. In relevant part the Examiner finds that Claims 36-43, 70 and 80 (Group IV) are drawn to a method for conditionally activating a transgene in a second generation plant, classified in class 800, subclass 278.

It is noted that Claims 4-31, 33-35, 70 and 80 will be examined to the extent that they read on the elected invention.

Election of claims is required under 37 CFR 1.143

Accordingly Applicants hereby elect Group IV encompassing Claims 36-43, 70 and 80 without traverse.

Please cancel claims 1-35, 44-69, and 71-79 as drawn to a non-elected invention.

The above Election cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Asst. Commissioner for Patent, Washington, D.C. 20231, on this date. 4/22/02

Mary Beth Pitcher
Mary Beth Pitcher

Serial No.: 09/715,294
Docket No.: CL1127 US CIP1

Page 2

fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours
and Company).

[Handwritten signature]
Respectfully submitted,

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Dated: 2/22/02